

REMARKS

Claims 2-3, 17, and 20-21 have been cancelled. Claim 22 has been amended to clarify the subject matter regarded as the invention. Claims 1, 4-16, 18-19, and 22 are pending.

Claim Rejections – 35 U.S.C. §101

Claim 22 has been amended in a manner believed to overcome the Examiner's rejection of that claim under 35 U.S.C. § 101.

Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected independent Claims 1, 18, and 22 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli, U.S. Patent No. 5,758,328, in view of Walker, U.S. Patent No. 5,794,207, in view of Fedor, U.S. Patent No. 6,785,660, and further in view of Sheth et al., U.S. Patent No. 7,069,242. The rejections are respectfully traversed.

Claim 1 recites querying “a database of information representing the capabilities of suppliers to deliver goods and services to geographic areas and automatically selecting as potential bidders for an auction those suppliers whose capabilities satisfy at least a portion of the request.”

On Page 3 of the Office Action, the Examiner states:

“The Examiner points to filter conditions shown in column 5 (lines 9-36), figures 5-7. **More specifically, the buyer's filter conditions (shown in figure 7) clearly indicate "ship method" and "ship destination" as filter conditions.**” (emphasis added).

Applicants respectfully disagree with Examiner's characterization of Figure 7. The Brief Description of the Drawings states that Figure 7 illustrates “**data structures** suitable for buyers and vendors to interact via the quotation system network of this invention.” Figure 7 includes two regions – a “Sample Buyer's Data Packet” and what the “Vendor Adds to the Data Packet.”

The “Ship Destination” line to which the Examiner refers is distinct and different from the “Vendor Qualifications (Filter Conditions)” line.

Also on Page 3, the Examiner states:

“Additionally, the vendors have filtering conditions associated with shipping, see ‘shipping charge’ and ‘delivery time’ as part of the vender filtering conditions in figure 7. Therefore, the Examiner contends that Giovannoli does teach the use of delivering goods and services to geographic areas.”

Applicants are unable to locate in Giovannoli where a “shipping charge” and “delivery time” are described as filter conditions. Further, even to the extent that they are examples of filter conditions, “shipping charge” and “delivery time” are different from “the **capabilities** of suppliers to deliver goods and services to geographic areas” as recited in Claim 1.

Accordingly, Claim 1 is believed to be allowable. Claims 18 and 22 recite limitations similar to Claim 1 and are therefore also believed to be allowable. Claims 4-16 and 19 depend, either directly or indirectly, from one of the aforementioned independent claims and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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